

Appl. No. 09/833,869
Atty. Docket No. 6664MD
Amendment dated February 25, 2004
Reply to Notice of Non-Compliance of January 29, 2004

REMARKS

Claims 1-29 and 31-52 are now in the case.

Applicants have added claims 51 and 52 to claim additional features which were not previously claimed.

Each of these amendments is supported by the specification, claims and drawings as filed (See page 4, lines 4-6 and page 16, line 24).

Double patenting

Claims 1-29 and 31-50 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-62 of copending application serial No. 09/881,473.

The submission of a terminal disclaimer attached herewith overcomes this provisional rejection.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Rejection under 35 U.S.C. § 102/103

Claims 1 and 39 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Shizuno '397 or in the alternative under 35 U.S.C. § 103(a) as being obvious over '397.

Applicants respectfully traverse the rejection in view of the following remarks.

At the outset, it is submitted that claims 1 and 39 are directed to a cleaning sheet for removing dust from a surface comprising a perfume.

Applicants submit that Shizuno '397 does not teach or even remotely suggest a cleaning sheet comprising perfume.

Applicants note that "[t]o establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Moreover, applicants respectfully remind the Examiner that independent claims 1 and 39 include the features of a macroscopically three-dimensional cleaning sheet having a first outward surface and a second outward surface, wherein at least one of the outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys

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and which further includes the features of specific Average Peak to Peak Distances and/or Surface Topography Indexes and/or Average Height Differentials and comprising an additive.

Applicants note that Shizuno et al. do not teach or suggest a cleaning sheet having the specific Average Peak to Peak Distances and/or Surface Topography Indexes and/or Average Height Differentials presently claimed.

Consequently, it is also Applicants' position that the Shizuno reference does not anticipate claims 1 and 39.

Claims 2-19, 23, 39 and 46-48 have been rejected under 35 USC 103(a) as being unpatentable over Shizuno '397 in view of Henry '061 or Trasher '436.

As best understood by Applicants, both Henry and Trasher disclose liquid compositions.

In Henry '061, this cleaning composition is an "[a]brasive and polishing composition ... for polishing of metal, glass, plastics and the like, particularly a composition for removing surface discoloration while providing a protective wax coating." (see Col 1, lines 6-10)

The Henry '061 composition requires "mineral oil, aqua-ammonia, powdered silica, crystalline stearic acid and paraffin wax". (Emphasis supplied, see Col 1 and 2, lines 50 and 1-2)

Shizuno '397 discloses a "dry-type cleaning sheet for the purpose of collecting various kinds of dusts." (see Col 1, lines 11-14)

Applicants' note that the composition of Henry '061 comprises powdered silica which provides its abrasive nature to this composition. It is Applicants' position that one of ordinary skilled in the art would have had no motivation to add the composition of Henry '061 to the cleaning sheet of Shizuno '397 since the cleaning sheet of Shizuno '397 is intended to remove dust from a surface and not to abrade this surface by providing abrasive particles.

It also is submitted that Henry '061 does not teach or suggest a perfume. As a result, it is applicants' position that the modification of Shizuno '397 in view of Henry '061 does not result in the claimed cleaning sheet.

Turning now to Trasher '436, the composition disclosed is a "a liquid phase composition comprising a paraffin wax oil component and an extender. Suitable extenders comprise ethanol, isopropyl alcohol, cetosteryl alcohol, and propylene glycol." (see Col 2, lines 53-67) This composition is intended to protect and seal various articles such as wood furniture by pouring this composition and then wiping it off the piece of furniture. (See Col 1, lines 7-9)

In addition, "the liquid phase composition is stored in a can or bottle and simply may be applied to the surface of an article being treated by pouring and then spreading with a lint-free cloth, fine bristle brush, sponge or the like." (see Col 3, lines 3-7)

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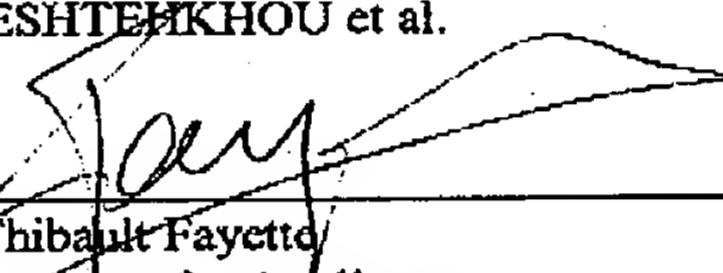
As a result, it is Applicants' position that one of ordinary skill in the art would have had no motivation to apply the composition of Trasher '436 onto the nonwoven substrate forming a cleaning sheet of Shizuno '397 to provide a cleaning sheet as claimed.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

It is submitted that all the claims are in condition for allowance. Early and favorable action on all claims is therefore requested.

If the next action is other than to allow the claims, the favor of a telephonic interview is requested with the undersigned representative.

Respectfully submitted,
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